

1 THE WITNESS: You're welcome.

2 MS. LEAVITT: Thank you, Your Honor.

3 BY MS. LEAVITT:

4 Q And what was your position you were hired
5 into?

6 A Part time program director.

7 Q And what did that involve?

8 A That involved working with a lot of
9 volunteer programmers and also involved basically
10 managing programming of the station.

11 Q And did you remain in that position for
12 your entire tenure at KZYX?

13 A Pretty much until towards the end.

14 Q When did you leave KZYX?

15 A I left KZYX in December 1995.

16 Q '95 or '96?

17 A 1995, I believe.

18 Q Hold on a second. We'll move on. I'll
19 address that in a moment.

20 What did you do? You were the General
21 Manager for your last six months at KZYX, isn't that
22 correct?

23 A Actually, it was Station Manager.

24 Q Station Manager. Okay.

25 A And it was part of a flat-top management

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1 team. So it wasn't real hierarchical.

2 Q What were your responsibilities and
3 functions as the Station Manager?

4 A Pretty much what I did is Program
5 Director. I worked more with the Board of Directors
6 probably than I did previously as Program Director.

7 I became much more hands-on about the
8 fundraising as well.

9 Q Did you do any work regarding public
10 programs/issues lists?

11 A I continued to gather them from
12 programmers.

13 Q And what did that involve?

14 A That involved alerting them and getting
15 their issues/programs lists from them.

16 Q And then what would you do with the list
17 once you got them?

18 A At which point? As Station Manager or as
19 Program Director?

20 Q Yes. As Station Manager?

21 A As Station Manager I would put them in the
22 quarterly files.

23 Q Was that part of the public file, the
24 public inspection file?

25 A Yes, it was.

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1 Q So you were doing that pursuant, I take
2 it, to the FCC rules in compliance with the
3 Commission's rules?

4 A Certainly hope so.

5 Q Okay. Right. (laughter). I don't know
6 what the Statute of Limitation is, but I don't think
7 that's an issue.

8 How did you know what the rules were?

9 A KZYX is an NRP member station. It is also
10 a member of the National Federation of Community
11 Broadcasters, NFCB and they have handbooks.

12 Q So you had a handbook that you used as a
13 guide?

14 A I did, yes.

15 Q And when you were the Station Manager
16 there were you responsible for maintaining the public
17 inspection file?

18 A Not that I recall.

19 Q Who was?

20 A As I stated in my testimony, the Board,
21 it's a community licensee. So the Board took care of
22 the ownership reports. And we had a chief engineer
23 there and he took care of a lot of the other, the
24 contour maps, the logs, the other requirements that we
25 maintain.

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1 Q Okay. So if I understand you correctly,
2 the Board dealt with the ownership reports. The
3 engineers dealt with the logs. But who actually was
4 responsible for maintaining the public inspection file
5 and the documents required to be in the file?

6 A A combination of everybody.

7 Q So everybody had their discrete area of
8 responsibility and that you were responsible for the
9 programs list; that's all that you were concerned with
10 as the Station Manager there?

11 A You could say that.

12 Q So there was no one individual who took
13 authority and responsibility for that station's public
14 file at that time?

15 A At that time my recollection is as we
16 said.

17 Q Okay. And then when you left, and you're
18 right, it was 1995, December '95 you testified in your
19 deposition at page 356. It was in fact 1995 that you
20 left KZYX. And then I understand you went to NPR?

21 A That is correct.

22 Q And where were you located?

23 A 635 Massachusetts Avenues Northwest,
24 Washington, D.C.

25 Q And from what time period were you

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1 employed by National Public Radio?

2 A From the beginning of January 1996 until
3 December 1997.

4 Q And what was your title?

5 A When I entered my first title was Station
6 Service Representative.

7 Q And what does a Station Service
8 Representative do?

9 A It manages relations and communications
10 between NPR senior management and its member stations.

11 Q And which member stations were you
12 responsible for?

13 A National Public Radio had divided the
14 country up into four quadrants. And they gave me the
15 west.

16 Q And comprised the west according to NPR's
17 division?

18 A Most of the stations definitely west of
19 the Rookies, some of them west of the Mississippi as
20 well.

21 Q Okay. That would include California,
22 right?

23 A Yes, it would.

24 Q Okay. And what did your job actually
25 entail?

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1 A Working with senior management stations,
2 helping them to better utilize NPR programs, products
3 and services.

4 I also worked on some of the pricing
5 structure for National Public Radio.

6 Q Was KALW one of the stations that you
7 worked with?

8 A KALW is an NPR member station.

9 Q So is that a yes?

10 A Yes.

11 Q Thank you.

12 And who at the station at KALW did you
13 work with?

14 A I didn't work consistently with stations.
15 I did make a station visit to KALW.

16 Q When was that?

17 A I don't recall exactly. Sometime within
18 that time frame of when I worked at National Public
19 Radio.

20 Q Were you a Station Service Representative,
21 was that your title for the entire duration of your
22 tenure at NPR?

23 A No.

24 Q Okay. When did your title change?

25 A Again, I'm sorry I can't be exactly sure,

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1 but I think midway through my tenure at National
2 Public Radio they changed our titles.

3 Q Did your job function change?

4 A It -- somewhat, in that I became more
5 involved with the pricing structure of how NPR was
6 going to price their programs and products and
7 services.

8 Q What was the title? I'm guessing it was
9 like if you started in January '96, maybe sometime in
10 January of '97 or the end of 1996, it sounds like
11 that's when you might have had a title change. And the
12 title change was?

13 A Manager Mountain Pacific Region.

14 Q And you said you dealt with pricing
15 structure. Did you still have contact with member
16 stations?

17 A I did. That was the core.

18 Q I'm sorry. What do you mean "that was the
19 core?"

20 A Well, member stations always have issues
21 with NPR. At that time there was issues around rural
22 pricing, especially with regard to Alaska. And Alaska
23 was part of my purview.

24 Q And so you remained in contact with KALW
25 at that time then, correct, even though you'd had a

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1 title change you were still in contact with KALW?
2 That was one of your responsibilities at that time as
3 well?

4 A I had a 110 stations. Most of the time it
5 was a reactive role and they would call asking why are
6 dues going up, when's the show going to start, where
7 can I find articles about Bob Edwards? We really
8 tried to be very in service for the stations.

9 Q And was KALW within your purview, your
10 service area at that time?

11 A It was, yes.

12 Q Okay.

13 MS. LEAVITT: Hold on -- excuse me, Your
14 Honor. Just one moment.

15 JUDGE SIPPEL: Sure.

16 BY MS. LEAVITT:

17 Q Did you have any other title changes while
18 you were at NPR?

19 A No, I did not.

20 Q Okay. So when you visited the station was
21 your title as a Station Service Rep?

22 A That's a really question and I really
23 don't know.

24 Q Okay. Did you have family in San
25 Francisco or friends back in San Francisco when you

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1 visited?

2 A Yes. I have acquaintances and friends in
3 San Francisco.

4 Q Okay. Because I'm just trying to ask you
5 to try -- in your direct testimony you had indicated
6 that during the deposition it was very helpful when
7 Mr. Shook asked you questions to try to help job loose
8 some memories. And that's what I'm trying to do right
9 now, is just trying to kind of pin down exactly when
10 it was and how many times you have visited KALW when
11 you are NPR. So sometimes it's helpful if you can
12 recall, you know, maybe you visited family at a
13 holiday time, if it was summertime, if it was
14 wintertime; that kind of thing. So I want to try to
15 plumb the depths of your memory and see if we can pin
16 it down a little a bit.

17 JUDGE SIPPEL: Well, so far she hasn't
18 said she's having any problems in that area.

19 MS. LEAVITT: I'm sorry, Your Honor. I
20 thought she said she wasn't sure. She didn't remember
21 when the visit was.

22 JUDGE SIPPEL: Okay.

23 MS. LEAVITT: I'm sorry.

24 JUDGE SIPPEL: That's okay. Go ahead.

25 BY MS. LEAVITT:

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1 Q Do you recall when you visited KALW?

2 A I recall that it was after they had moved
3 into their new location.

4 Q Oh, okay. Great. That's very helpful.
5 Thank you.

6 Q And who did you meet with?

7 A I met with the Station Manager.

8 Q And who is that?

9 A And the Operations -- that was Jeff
10 Ramirez.

11 Q Okay. I'm sorry. Go ahead.

12 A And the Operations Manager, William
13 Helgeson. And two of the announcer/operators.

14 Q And do you recall their names?

15 A Joe Hughes and Michael Johnson.

16 Q So sometime after they had moved into
17 their new location, which would have been after
18 December 1996 you met with Mr. Ramirez. Was that the
19 first time you'd ever met him?

20 A As I stated in my direct testimony, no, it
21 was not.

22 Q How did you get to know Mr. Ramirez?

23 A Mr. Ramirez and I were participants in a
24 project called Next Generation Project funded by the
25 Corporation of Public Broadcasting, otherwise known as

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1 CPB.

2 Q And what was the purpose of the Next
3 General Project?

4 A The purpose was to groom -- I guess you
5 would call it mid-level managers into leadership roles
6 within public broadcasting with an emphasis on
7 diversity.

8 Q And when you say "groom mid-level
9 managers," what did that encompass?

10 A Well, it was a mentoring program. We were
11 paired with mentors. CPB also gave us \$5,000 that we
12 could use for training or use to go to conferences.

13 Q And who was your mentor?

14 A I had two.

15 Q Who were they?

16 A Anne Whitesel and David Hosley.

17 Q And I take it, what were their positions?

18 A David Hosley was -- he was the GM, perhaps
19 CEO I don't know if his title was that illustrious, at
20 KCSM Radio and Television. That's a dual licensee in
21 San Mateo County.

22 Q And what is a dual licensee? I'm sorry,
23 I'm not familiar with that term?

24 A That means that they have both a radio and
25 a television station licensed to them.

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1 Q And Ann Whitesel, what was her title?

2 A Ms. Whitesel was the radio Station
3 Manager.

4 Q For that same station?

5 A For KCSM, yes.

6 Q Okay. Thank you.

7 Was there a meeting place that people in
8 the next class or the Next Generation Project met in?
9 Was there a classroom, was it a conference? You were
10 in Washington, D.C. and we had testimony that Mr.
11 Ramirez I think at that time was in California. So
12 I'm just wondering, did you all have an opportunity to
13 get together?

14 MR. PRICE: Objection to form?

15 JUDGE SIPPEL: You understand the
16 question?

17 THE WITNESS: Actually, Your Honor, I
18 wasn't in Washington, D.C. I was Program Director at
19 KZYYX when I became part of Next Generation.

20 MS. LEAVITT: Oh, thank you. Great.
21 Okay.

22 JUDGE SIPPEL: Does that clarify it?

23 MS. LEAVITT: Well, it certainly clarifies
24 part of it.

25 BY MS. LEAVITT:

1 Q You were in California and how did you all
2 get together? How did the program or the project, how
3 was it structured?

4 A Well, again, it was really to try and
5 infuse some diversity into the management of public
6 radio. And to -- it was called the Next Generation
7 Project, which didn't necessarily have everything to
8 do with age. (Laughter).

9 Q How often would you meet.

10 A Well, we were all brought together here in
11 Washington, D.C. And we all met up with our mentors.
12 We spent a week or two here in Washington. I believe
13 we visited the FCC, but I don't think -- I don't
14 really recall where it was. But we basically made
15 visits to CPB, National Public Radio, to the local
16 public radio stations here. I believe they're WAMU and
17 I think there's a couple of them here. And then we
18 may have paid a visit to the FCC. So they took us
19 around and basically introduced us to everybody.

20 Q And how would you describe your
21 relationship with Mr. Ramirez?

22 A Cordial.

23 Q Were you friendly? How often did you meet
24 when you were both members of the Next Generation
25 Project?

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1 MR. PRICE: Objection to form. Compound.

2 JUDGE SIPPEL: Sustained.

3 BY MS. LEAVITT:

4 Q While you in the Next Generation Project
5 how frequently would you come in contact with Mr.
6 Ramirez?

7 A Not that frequently. We had our initial
8 coming together. After that they expected us to use
9 the \$5,000 they had given us for training and expected
10 us to work with our mentors.

11 Q And how did you spend your \$5,000?

12 A Not on my -- (laughter) anything -- well,
13 what did I spend my \$5,000 on.

14 (Laughter.)

15 THE WITNESS: At the time I worked at
16 KZYX. And, as I said, KZYX -- well, maybe I didn't
17 say that, but I said that in my direct testimony.
18 It's a rural radio station. It serves a very rural
19 county. And so they didn't have a lot of money to
20 send people to conferences. So this was a bank I could
21 use to go to public radio conferences.

22 I also did a training at the Poynter
23 Institute in Florida. And that training was about
24 managing diversity both with people, the HR aspect, if
25 you will, to managing people and also with the

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1 product. In other words, managing diversity both in
2 news and public affairs; how do you approach making
3 our product more diverse.

4 And I did one small for women managers,
5 one small little two day conference at CNN in Atlanta,
6 Georgia.

7 BY MS. LEAVITT:

8 Q Now in terms of describing your
9 relationship with Mr. Ramirez, you said it was
10 cordial. Did you remain in contact via email or
11 telephone?

12 A Only if the group was called together,
13 really.

14 Q Okay. Did you maintain a contact with Mr.
15 Ramirez after you graduated from the project?

16 A At that point I was at National Public
17 Radio.

18 Q Yes.

19 A He wasn't one of the people that I really
20 befriended.

21 Q Did you maintain any contact with him
22 while you were at NPR?

23 A In a professional sense.

24 Q Yes. How about just in a social sense?

25 A Not really.

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1 Q Did he ever talk to you about his
2 experience at KALW?

3 A Ever? You mean ever?

4 Q When you were at NPR?

5 A No, he did not.

6 Q And while he was at the station? When you
7 went out to visit KALW, it was sometime in 1997. You
8 met with Mr. Ramirez then. What did you discuss? What
9 was the purpose? Well, let me just go with that
10 question. What did you discuss with him?

11 MR. PRICE: Objection to form.

12 JUDGE SIPPEL: I'll sustain the objection.

13 BY MS. LEAVITT:

14 Q What was the purpose of your visit to KALW?

15 A It was a standard station visit to the
16 market. There are several NPR member stations in
17 northern California. So I was tasked with making a
18 station visit to all of them, handing out the latest
19 lapel pins and marketing things that NPR was producing
20 for member stations to either give away during pledge
21 drives.

22 Also, I was there just to check in, say,
23 you know how's our pricing structure for you, is it
24 manageable.

25 I also was alerting him to some of the

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1 changes in the Member Services Division. We were
2 really trying to do more so that for stations to
3 publicize the programs that they use, such as Morning
4 Edition, All Things Considered. If they needed
5 quicker photos for their guides or if they were going
6 to have a host visit, what kind of support was out
7 there vis-à-vis what NPR Member Services Division
8 would do for the member stations.

9 Q How long was the visit?

10 A Maybe an hour or two.

11 Q Were you familiar with KALW's programming?

12 A I was familiar with the fact that they
13 took Morning Edition and All Things Considered, Fresh
14 Air, Car Talk; those were the main NPR programs.

15 Q So do you recall in January, February,
16 March, the quarter of 1996 how many programs, NPR
17 programs KALW?

18 A No, I don't recall. I had so many stations
19 that I worked with.

20 Q I'd like to show you something that might
21 refresh your recollection. It's EB Exhibit 44 page
22 256. And it's actually, I think it's page 260. And
23 what this is is --

24 MR. PRICE: I'm sorry. The exhibit
25 number.

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1 MS. LEAVITT: I'm sorry. EB 44.

2 May I approach the witness, Your Honor?

3 JUDGE SIPPEL: Yes, certainly.

4 MS. LEAVITT: It starts on page 256 I
5 think. And it's a KALW Program Guide titled January,
6 February and March 1996. And feel free to look
7 through this, but I would specifically reference you
8 to page 261. I think the numbers might have gotten cut
9 off. It's 260 or 261.

10 MR. PRICE: She has the full set of
11 exhibits here, so she can look at this one if that's
12 easier.

13 MS. LEAVITT: Okay. Sure. That actually
14 is easier. Thank you.

15 BY MS. LEAVITT:

16 Q Okay. Does that refresh your recollection
17 as to the number of programs that were carried?

18 MR. PRICE: Is there a foundation to the
19 question. She identified she knows what the document
20 is?

21 JUDGE SIPPEL: Well, yes. Let's have a
22 little foundation.

23 Do you recognize this document?

24 THE WITNESS: I recognize them as KALW
25 Program Guides. It kind of follows the same --

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1 BY MS. LEAVITT:

2 Q Well, I'm just wondering if it actually
3 refreshes your recollection as to the NPR programs
4 that KALW might have carried at that time?

5 MR. PRICE: Is there any indication -- I
6 apologize.

7 THE WITNESS: Which page are we looking
8 at?

9 BY MS. LEAVITT:

10 Q 261.

11 A 261.

12 Q Mine says 260 but the one that she is
13 looking at looks like it was 261.

14 A Could you hold up the page, please.

15 Q I'm sorry.

16 A Well, my copy says 260.

17 Q Okay.

18 JUDGE SIPPEL: Does the witness have page
19 260 in front of her?

20 THE WITNESS: I do, sir.

21 JUDGE SIPPEL: Okay. She sees the page,
22 ask her a question.

23 MS. LEAVITT: Okay.

24 BY MS. LEAVITT:

25 Q Do you recall how many NPR programs KALW

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1 carried?

2 MR. PRICE: Objection. Is there a
3 foundation to the document yet?

4 JUDGE SIPPEL: Well, enough of a
5 foundation. Enough of a foundation. We've gone
6 through this with enough representatives of the
7 station and now we have the Station Manager on. I
8 don't think that there's any -- and she has identified
9 that she's familiar with these reports. She has
10 stated that.

11 So go ahead.

12 BY MS. LEAVITT:

13 Q So does it fresh your memory as to how
14 many NPR programs NPR might have been providing to
15 KALW in 1996 during that quarter?

16 A I can see what NPR programs they were
17 carrying. Perhaps I wasn't doing the best job at NPR,
18 because I didn't go there specifically -- I mean, it's
19 not as though I knew everybody's program group
20 backwards and forwards.

21 JUDGE SIPPEL: Oh, no. That's all right.
22 Just answer her questions.

23 THE WITNESS: Okay.

24 JUDGE SIPPEL: She's not questioning your
25 job performance. The question is what?

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1 BY MS. LEAVITT:

2 Q Do you recall how many programs NPR
3 provided KALW in the first quarter of 1996?

4 A Now that I look at this I see how many
5 programs KALW subscribed to from National Public Radio
6 in 1996.

7 Q Thank you. And how many? How many
8 programs?

9 A I count eight.

10 Q Thank you.

11 If you could next turn to page 305 in that
12 document, which actually is an excerpt from --
13 starting with page 300 and it's another KALW Program
14 Guide, this time for January, February, March 1997.

15 MS. REPP: Objection, Your Honor. These
16 documents, document 260 and then page 305 is being
17 represented as being part of the KALW Program Guides,
18 but they are not.

19 JUDGE SIPPEL: They're not?

20 MS. REPP: No. The Program Guide in this
21 section ends on page 303.

22 MS. LEAVITT: Okay.

23 MS. REPP: And in the prior one the
24 Program Guide ended on page 259.

25 JUDGE SIPPEL: So what's the nature of

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1 this document? And also what is the purpose of this
2 testimony?

3 MS. LEAVITT: To establish her familiarity
4 with KALW programming, at least from the NPR
5 perspective, Your Honor.

6 MR. PRICE: Can we do that through the
7 Program Guide which why she testified here she's
8 familiar with, rather than this other document which
9 we don't know what it is?

10 JUDGE SIPPEL: Well, that would be the
11 better way to do it. But, again, I don't know how
12 much of this do you need? I mean, do you have to ask
13 her leading questions on this --

14 MS. LEAVITT: Okay. That's helpful, Your
15 Honor.

16 BY MS. LEAVITT:

17 Q On page 306, Ms. Sawaya --

18 JUDGE SIPPEL: Now wait a minute. Now
19 wait a minute. We have a problem with this one
20 because we don't know -- is 305 a part of a Program
21 Guide?

22 MR. PRICE: No, Your Honor.

23 JUDGE SIPPEL: It's not?

24 MR. PRICE: The expert is probably the
25 person on the staff who knows the Program Guide, so I

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1 don't believe that that's part of the Program Guide.

2 The exhibit that the Bureau counsel is
3 referring to is taken out of the large CD which is the
4 public inspection file as a whole. So there's lots of
5 documents on that CD of which page 305 and 260 are
6 documents in the public inspection file, but they're
7 not part of the Program Guides.

8 MS. LEAVITT: I apologize. You're right.

9 JUDGE SIPPEL: All right. Well, let's stay
10 with the Program Guide. I mean, this should be pretty
11 easy to bring this out. All you're asking for is the
12 programming, the programming to NPR?

13 MS. LEAVITT: Yes, sir.

14 JUDGE SIPPEL: And it's being used by
15 station KALW.

16 MS. LEAVITT: Yes, Your Honor.

17 JUDGE SIPPEL: And can you recall some of
18 that programming?

19 THE WITNESS: Well, I mostly remember the
20 news magazines.

21 JUDGE SIPPEL: Yes.

22 THE WITNESS: All Things Considered,
23 Morning Edition, Fresh Air; those are the big programs
24 and they're the costliest. Oh, and Car Talk is very
25 costly as well.

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1 JUDGE SIPPEL: Yes. Is that good enough?

2 MS. LEAVITT: Yes, Your Honor. That's is
3 it, and I'm finished with this.

4 MR. PRICE: Your Honor, can we strike the
5 testimony that related to regarding Ms. Sawaya's
6 answers when she was under the impression that this
7 was part of a Program Guide from '96?

8 JUDGE SIPPEL: No. The record's clear.
9 I'm not going to get misled by that.

10 BY MS. LEAVITT:

11 Q You also said that you met Mr. Helgeson
12 during this station visit. Was that the first time
13 you'd met Mr. Helgeson when you visited KALW sometime
14 in 1997?

15 A To the best of my recollection it is, yes.

16 Q And did you speak with him when you were
17 visiting the station?

18 A Yes, I spoke with him.

19 Q Approximately how long did you speak with
20 him?

21 A I believe he's the one that gave me a tour
22 of the station.

23 Q And about how long would that have been,
24 if you remember?

25 A Twenty minutes, 30 minutes.

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1 Q Did you have any other interaction after
2 that time with Mr. Helgeson while you were at NPR?

3 A None that I can recall, no.

4 Q Thank you.

5 And you left NPR in 1997. Where did you
6 go after that?

7 A KPFA.

8 Q And where is that located?

9 A Berkeley, California.

10 Q And what was your position?

11 A General Manager.

12 Q And what did you do as General Manager?
13 What were some of your duties as General Manager?

14 A Managing staff, overseeing community
15 relations, reporting to the Pacifica Foundation,
16 managing programming, managing fundraising which was
17 huge.

18 Q Did you have responsibility for
19 maintaining the public inspection file?

20 A No, I did not.

21 Q Who did?

22 A To the best of my knowledge it was done by
23 the Pacifica Foundation.

24 Q Where was the file located?

25 A I would imagine that some copies such as

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